



Board of Election Commissioners for the City of Chicago  
Minutes Regular Board Meeting  
March 27, 2018, 9:30 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

**Board Members:**

Marisel A. Hernandez, Chairwoman  
William J. Kresse, Commissioner/Secretary  
Jonathan T. Swain, Commissioner

**Staff:**

Lance Gough, Executive Director  
Adam W. Lasker, General Counsel  
Charles Holiday, Assistant Executive  
James P. Allen, Communications Director  
Bill Perez, Coordinator Hispanic Outreach  
Peter Peso  
Lorel Blameuser, Purchasing Agent  
Gary Ryczyn, Consultant  
Geneva Morris, Videographer  
Trish Sheehy

**Guests:**

Helene Gabelnick, League of Women Voters of Chicago  
Carol Maher  
C. Betty Magness, Rainbow PUSH Coalition  
Richard Means

- I. **Call to Order:** The Chairwoman called the meeting to order at 9:30 a.m.
- II. **Roll Call:** all present
- III. **Consideration of Agenda:** There are no changes to the agenda
- IV. **Approval of Minutes:**
  - A. Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of February 27, 2018. Commissioner Kresse seconded the motion. The Board approved the Minutes by a 3:0 vote.
- V. **Executive Director's Report:**
  - In the next week or two we will be meeting with Equip for Equality and the U.S. Department of Justice (DoJ) regarding language accessibility and polling place accessibility.
  - The Board had 16 staff, mostly senior staff, who retired since the Presidential election. Those who have moved into those roles and the new people did an excellent job during

the primary election, including some who are at this meeting, such as Charles Holiday, as this was his first election as Assistant Executive Director, and Adam Lasker, as this was his first election as General Counsel. Communications Director Jim Allen did a great job as always.

- Mr. Gough stated that he has served as Executive Director since 1988, and that this election was probably the toughest he had experienced. The Board members are aware of the situation with the County Assessor's office race. Mr. Gough then took this opportunity to detail the events with this particular race.

**Wednesday, December 20, 2017**

Voters started using online system to apply to Vote By Mail.

This is important to note, because it means that it was more than two months later before we could obtain printed ballots to mail to voters who applied for Vote By Mail. This was the case not only because of the County Assessor's contest, but also because of matters that dragged into February in the State Attorney General's contest, the 7<sup>th</sup> County Board District Commissioner contest, the County Clerk's contest, and at least two judicial contests.

**Friday and Saturday, February 2nd and 3rd**

Under the federal guidelines we have to print what we call a "blank ballot" - a military and overseas ballot - 45 days prior to the election. We are one of the few jurisdictions in the U.S. that does not issue a true "blank ballot" - we actually put the candidates' names on these ballots. We sent these ballots out on time.

**Monday, February 5th**

The Illinois Appellate Court issued an order that reinstated Scott Drury as a candidate for Illinois Attorney General.

We immediately updated all of our candidate files, our sample ballots and our military/overseas to reflect the Order.

**Tuesday, February 6th**

Our staff was programming touchscreens and preparing print files with candidate Raila's name in the contest for County Assessor and candidate Kowalski-McDonald for County Clerk.

No files were sent to the printers because of pending cases in the contests for County Assessor, County Clerk, the Cook County Board 7<sup>th</sup> District and certain judicial offices.

**Wednesday, February 7th**

Our online ballot-access system began operating. It included candidates Drury, Raila and Kowalski-McDonald.

**Thursday, February 8th**

The Hearing Officer in the Kaegi/Raila case issues a recommendation to the Cook County Officer's Electoral Board (CCOEB). However, we still cannot move to print any ballots.

Additionally, Chicago and many other jurisdictions across the state had to postpone the February 8th start to Early Voting. While state law currently states that Early Voting should begin 40 days prior to the Election Day, this office has taken the position that due

to the numerous pending court cases, it would be nearly impossible to open Early Voting at this time.

**Thursday, February 15th**

Eight days after the Hearing Officer's recommendation, the Cook County Officer's Electoral Board (CCOEB) voted that candidate Raila should be off the ballot. Under state law the candidate has up to five days, i.e. until February 20, to file an appeal in the Circuit Court.

**Tuesday, February 20th**

Candidate Raila filed her petition for judicial review in Cook County Circuit Court. Also on that date, the Board began printing ballots with the name of candidate Raila in the contest for Cook County Assessor. Meanwhile, the County Electoral Board issued a decision in the case of County Clerk candidate Kowalski-McDonald.

**Wednesday, February 21st**

Early Voting started, but only at certain locations, such as the Board's site at 16 West Adams Street and at some courthouses in the suburbs.

**Friday, February 23rd**

The Illinois State Board of Elections asked the Chicago staff to join in a conference call with U.S. Justice Department. During that call, the Justice Department emphasized the need to mail out actual Vote By Mail ballots as soon as possible – and to give updates to voters of any changes.

**Tuesday, February 27th, approximately 6:30 p.m.**

- The Cook County Circuit Court affirmed the electoral board ruling in the Kaegi-Raila case to remove candidate Raila from the ballot.
- Because of a separate lawsuit filed by the objectors, the Judge also ordered election authorities to take whatever steps that were possible to notify every Democratic voter of the candidate removal.
- In open court, Board staff advised the Judge that the Board was prepared to issue notices at Early Voting sites and at polling places on Election Day. Additionally, the Board stated it would publish ads, including the specimen ballot and the Early Voting ads in newspapers.
- Work began later that night with graphic designers, reproductions staff and the Early Voting supervisor to get notices to the Early Voting sites.

**Wednesday, February 28th**

- Early Voting at the 16 West Adams site included instructions for poll workers to tell Democratic voters to read the notice taped to the check-in table.
- Work resumed Wednesday morning with translators, purchasing department staff and outside printing vendor personnel to complete notices for use on Election Day, including a large sign to be posted at all the polling places.
- Printing of notices continued in-house until additional stock could be prepared by an outside printing vendor.

- However, by this time, the Election Supply Carriers ("ESC's") for delivery to Election Day precincts in 15 wards had already left our warehouse but without these latest notices.
- Work began on including these latest notices and the 20" x 35" signs in the ESC's to be delivered to polling places in the remaining 35 Wards on Friday.

**Thursday, March 1st**

- Board staff receives complaints from attorneys from the Kaegi campaign due to the fact that while notices were posted at the Early Voting site, notices were not being handed out to individual voters at the site. Additionally, despite notices being posted in every touch screen machine used for Early Voting and at the table where voters check in, with Democratic voters being instructed at check-in to read the notice, a news report broadcast quoted an early voter who said he never received or observed any notice. Responding, the Board revised its procedures, printing individual notices for the Early Voting site and instructing Early Voting poll workers to hand a notice to each Democratic voter.

**Friday, March 2nd**

- The Circuit Court removed Kowalski-McDonald from the ballot affirming the County's Electoral Board's ruling.
- The Board began modifying the printed notices, so that the notices and the signage reflected the then-current court rulings in both the Raila and the Kowalski-McDonald cases.

**Monday, March 5th**

- Early Voting began at the 50 ward sites, in addition to the Loop Site at 16 West Adams. All workers were instructed to hand the notices to each voter.

**Wednesday, March 14th, approximately 8:50 a.m.**

- Board personnel began working with the electronic poll book vendor to prepare four text messages:
  - The first was a routine message to go out between 5 and 7 p.m. on Monday, March 19th, the night before the Election. It was a routine message:
    - Election Day is tomorrow! The Election Board may call or text from these area codes [the area codes are listed; this is because there are different area codes that the Board uses]. Please answer.
  - The second was also routine that is sent out on Election Day; it is scheduled to go out at 5 a.m.:
    - Good morning. Be sure to start your poll book update by 5:15 a.m.
  - The third was a unique message for this election and was scheduled to be sent at 6 a.m.
    - Hand out the green "Notice to All Democratic Voters" flyer with every Democratic ballot.
  - The fourth, a stand-by message, was to be used ONLY IF certain error messages appeared on the Verizon jet packs. (There had been a software

issue about downloading the jetpack, but as this was corrected on March 16, this message was never used.

- These messages were pre-programmed a week before Election Day to be sent automatically on the night before or Election Day itself – except for the last notice.

**Wednesday, March 14th, approximately 4:15 p.m.**

- The Illinois Appellate Court reversed the Circuit Court and the Cook County Electoral Board in the Raila case and remanded the case back to the County Electoral Board.
- Board staff immediately took these steps:
  1. Immediately disabled the Early Voting Electronic Poll Book message that told poll workers to hand a notice to each voter who requested a Democratic ballot.
  2. Early Voting Election Central alerted staff at the 16 West Adams site that (1) all of the candidate-removal signs were to be immediately taken down from inside all the booths and touch screens and (2) that all the workers STOP handing out the candidate-removal notices at once.
  3. We updated the sample ballot on the Board's web site to INCLUDE candidate Raila. (This is the file that is accessed by most of our voters who use our "Your Voter Information" page.)
  4. We updated the web-based military/overseas system to restore candidate Raila back to the voting options.
  5. We began developing a new candidate-removal notice in English, Spanish, Chinese and Hindi to include ONLY candidate Kowalski-McDonald.
  6. We revised the legal notices that were scheduled to run on Friday and Saturday in the Chicago Sun-Times and other newspapers to include ONLY the Kowalski-McDonald removal.
- However, at this late date, it would be effectively impossible to reach each of the 2,069 election supply carriers (ESCs) that were already out on the street being prepared to be delivered to their respective polling places, as this would require breaking and recording the seal on each ESC, replacing the relevant materials, and resealing and recording the seal on each of the units.
- We were also informed that night that the Kaegi campaign was considering appealing the Appellate Court decision to the Illinois Supreme Court.

**Thursday, March 15th**

- At 7:32 a.m., we received an email from one of candidate Raila's attorneys who noticed that three of the eight web pages in question still had the old notices. We had those three pages updated by 9 a.m. We also received and posted the updated candidate list by 9:30 a.m.
- Early in the morning Early Voting Election Central alerted all other Early Voting site managers (other than the 16 West Adams site that was notified the night before) that

(1) all of the candidate-removal signs were to be taken down immediately and (2) that all of the workers must STOP handing out the candidate-removal notices.

- The revised notices, listing only Kowalski-McDonald, were printed with the new instructions and were inserted into the key-judge envelopes. This was the only way to get these notices out to all the 2,069 Election Day polling place locations. The instructions in the key judges' envelope instructed them NOT to hand out the previously printed green-and white notices.

**Friday, March 16th**

- Distribution of the key judge envelopes began, which included the new instructions and black-and-white-printed notices listing only Kowalski-McDonald.
- The Appellate Court issued a ruling that Kowalski-McDonald should remain OFF the ballot. Because there were two candidates for County Clerk that remained (one printed on the ballot, the other a write-in), we continued distributing of the new black-and-white-printed notices that referenced only Kowalski-McDonald and distributed those through the key judge envelopes.
- We created a new email to the judges for Saturday that instructed the judges NOT to give out the green-and-white notices and to ONLY give out the black-and-white notices that were in the key-judge packages.

**Sunday, March 18th**

- At the Sunday morning Election Central meeting all of the election central staff instructed about the notices. (In fact, we had the green-and-white notice with a large "X" through it to illustrate that these notices were not to be given out. We also had samples of the black-and-white notices that we were giving out due to the County Clerk candidate removal.

**Monday, March 19th**

- Candidate Railla and her top campaign leaders contacted Executive Director Gough and had an impromptu conference call in which we discussed all of the measures taken thus far. It was explained how it would be impossible to retrieve all of the green-and-white notices from the Election Supply Carriers, but that we had made sure that the new black-and-white notices and instructions were delivered to the key judges.

**Election Day - Tuesday, March 20th**

- Immediately after 6 a.m. we began receiving calls about the green-and-white notices, and received word from judges that they had received the INCORRECT text message that told them to hand out the green-and-white notices. This was the text message that had been programmed the week before and had mistakenly not been deleted. The Executive Director expressed his deep regret.
- After getting the first calls, we looked into it and received word that the incorrect text message had gone out.
- We contacted the vendor and corrected it with a new message: "This is Election Central – Please disregard previous message regarding Green Notice. Only post black

and white notices to Democratic voters – Chicago BOE.” That message went out at 6:28 a.m.

- We contacted the warehouse to have them alert all of the service technicians in every Ward to begin going out to every precinct and make sure that they were NOT giving out the green notices. With two service technicians in each Ward, we had 100 service technicians going to every precinct making sure that those green-and-white notices were taken out.
- Shortly thereafter we sent a third text message:
  - “This is Election Central – Only post black and white notices to Democratic voters – Chicago BOE”
- At 10:30 a.m., we called the text message vendor again and transmitted that same message yet again - to use only use black and white notices.
- During the same period, we alerted all of our investigators. The Board has several hundred investigators out on the street on Election Days (approximately 400 cars). They were instructed to go to each precinct informing the polling place staff to pull the green-and-white notices.
- Soon after, the calls and complaints largely stopped.
- Our call log shows that after this, the Board received only 9 calls that referred to candidate Railla or the green-and-white notices, including :
  - One call asking for more black-and-white notices
  - Two complaint calls, but in our follow-up investigation learned that the polling places in question had stopped using the outdated green-and-white notices before 8 a.m.”

Commissioner Swain thanked Mr. Gough for the thorough timeline. But asked for further clarity regarding the text messages that went out Mr. Gough explained that these text messages go out from our electronic poll book vendor to all of the Judges of Election, Both to the e-poll books and to the Judges’ cell phones. Commissioner Swain asked about the number of texts involved here. Mr. Lasker answered that we have approximately 13, 000 Judges. Mr. Gough added that we have at least 1 “cell phone judge” in every precinct. 2,069 poll books and all Judges that have cell phones. Mr. Lasker pointed out that we are required to have at least 1 judge in every precinct that has a cell phone. Communications Director Jim Allen pointed out that each of the Election Coordinators also receive each of the texts. Commissioner Swain asked for information on when the texts were transmitted. Mr. Allen stated that if a text was scheduled to go out at 6:00 some of the judges may not have received it until 6:13 or 6:14. Mr. Allen said that we know that the first corrected message began going out at 6:28.

Discussion ensued.

Mr. Allen explained that from the e-poll books we know how many voters came into to polling place hour by hour. Between 6 a.m. 10 a.m. we had 80,182 voters checked in; as some of them were Republican, realistically we are looking at about 72,106 possible votes

cast for the Assessor's contest by 10 a.m. when, presumably all precincts were following the correct procedure. So, looking at a universe of 80,000 voters, max, and considering the current state of the results: Berrios having 242,000 votes, Kaegi having 325,000, and Raila having 146,000, if you took half of the 80,000 from each of the other candidates Berrios and Kaegi, the results wouldn't change; if you took all 80,000 away from Kaegi and none from Berrios and gave them to Raila you would end up with the same results. And this is a very conservative scenario – we believe the corrected messages were all received by 7:30 and action taken by 8 a.m., but here we are looking at all voters up to 10 a.m.

Mr. Lasker also pointed out that many precincts never posted the green-and-white notices at all, according to the call log.

A procedure has now been put in place requiring multiple people to sign off before any text messages can go out in the future.

Chairwoman Hernandez said that she is very, very proud of how we handled this election with security being the highest priority for this Board and we achieved that. The fact that this bump occurred was an anomaly and we tried our best to do what we needed to do, we were not entirely successful but we learned a lot and we are going to improve our internal system Thanks to Mr. Gough for the detailed explanation and all the employees of the Board that went above and beyond during this election.

Commissioner Swain suggested that as we are looking at the 2019 calendar, ballot challenges, we might want to build into the calendar structure when the Ballots have to be printed for ballot finality. Mr. Gough emphasized that we will be in control of it in 2019, this time we had to rely on other jurisdictions and we didn't have the control.

Commissioner Kresse stated that the Board's staff did amazingly well from top on down.

Commissioner Kresse stated that he was very satisfied with how Board personnel performed.

- A. Assistant Executive Director Holiday reported:
  - 1. March 23<sup>rd</sup> – we completed the tabulations in precincts where the totals indicated an obvious discrepancy. On Friday we were at 100% of precincts that so reported.
  - 2. There are approximately 300 ESCs still to be picked up and returned to our warehouse.
  - 3. Early Voting Judges, Election Coordinator and Judges of Election payrolls are being worked on.
  - 4. Yesterday we completed the verification of vote totals.
  - 5. Today the list of valid write-ins are being compiled.
  - 6. Currently the Registration Department is working on provisional ballots reported Election Night (4,106), to be verified and validated to determine which are to be counted.
  - 7. The 5% audit retabulation of the ballots cast election day begins tomorrow at our warehouse at 9:00 a.m.
- B. Communications Director Allen reported:



- Echoing Mr. Gough, Mr. Allen commended Counsel Lasker, noting that this was Mr. Lasker's first experience coordinating the Electoral Board as General Counsel, and none of our Electoral Board cases went on to Judicial Review.
- Mr. Allen also commended Mr. Holiday as this was his first election as Assistant Executive Director. \
- The Chairwoman quite successfully uttered the one quote that pierced the media more than any others the day before the election, "Millennials where are you? We don't know where the millennials are" – it seemed to have had an impact, we saw a big turnaround mostly between 2-7 pm on Election Day.
- It's great to see the data and demographics obtained from the e-poll books.

VI. Old Business a

- A. Infrastructure Projects and Changes in Election Administration: nothing to report t this time.
- B. Electronic Poll Books: worked well, but will have some modifications.
- C. Voting Equipment: still in process of evaluated.
- D. Legislation: not much to update, except as follows:
  - One proposal that Mr. Lasker has heard about, and has been considered before, is that with Electoral Board contests that judicial review be brought directly to the Appellate Court, like campaign finance rather than to the Circuit Court.
  - Moving the dates for the initial filing period

VII. New Business: none

VIII. Legal Report only to commend the staff. The staff knows what they're doing and it's wonderful to watch.

IX. Financial Report

- A. Balance Sheet and Voucher Listings for the City of Chicago – 2018 Appropriation – 18-02 dated March 27, 2018 in the amount of \$565,544.23 Commissioner Swain moved to approve the report. Commissioner Kresse seconded the motion. The motion passed by unanimous vote.
- B. Balance Sheet and Voucher Listings for the County of Cook – 2018 Appropriation – 18-02 dated March 27, 2018 in the amount of \$1,788,310.53 Commissioner Swain moved to approve the report. Commissioner Kresse seconded the motion. The motion passed by unanimous vote.

X. Public Comment

- A. Carol Maher:
  - Ms. Maher has served as a Judge of Election, An Election Official, a Site Administrator, and an Election Coordinator. This election she served during Early Voting as an Election Official at a college location and on Election Day as an Election Coordinator.
  - 2069 precincts is way too large a number. Ms. Maher strongly encourages the Board consolidate precincts.

- Election Coordinators are the most trained and experienced of the poll workers on Election Day with 8 hours of classroom training and additional on-line training, and their pay was reduced by 30%.
- Mr. Gough stated that he appreciates what the Election Coordinators do – it is the County that reduced the pay not the Chicago Board of Elections, because the County Clerk only pays their “Equipment Coordinator” \$360 they won’t pay the City’s Election Coordinators the \$500 they were previously paid.
- Mr. Lasker added that one of the Board’s legislative goals is for universal vote centers. There is a House Bill pending would reduce the number of polling places.
- Chairwoman Hernandez said that we take Ms. Maher’s suggestions seriously and will continue to work for higher pay - that’s how we get quality and returning workers.

B. Richard Means:

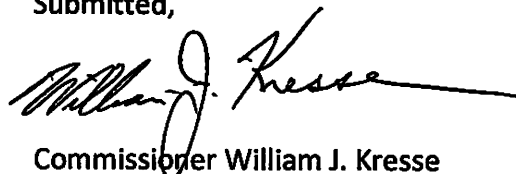
- Back before the late 1980s Mr. Means was very critical of the Chicago Board of Elections for a number of things that happened. In the last few weeks as he sees the Board being beaten up by the press, Mr. Means wanted to stand up and say that he has been where this candidate or represented candidates like Ms. Raila “I’ve been there before and I recognize that problem”, and Mr. Means thinks that the Chicago Board went way out of its way, far more than the Board was required to do in order to be fair to that candidate.
- In this case Mr. Means thinks the Appellate Court was right, but the Chicago Board had nothing to do with that at all.
- The Chicago Board of Elections went way out of its way, way to the benefit of any candidate who would be in jeopardy.
- Mr. Means wanted to thank the Chicago Board of Elections for the decisions that it made on behalf of beleaguered candidates.

The Chairwoman thanked Mr. Means, given his experience, for taking the time and for his words. It is important to have Mr. Means input.

XI. Executive Session None

XII. Adjournment: Commissioner Swain moved to adjourn until the next scheduled regular board meeting on April 10, 2018. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board. The meeting adjourned at 10:40 a.m.

Submitted,



Commissioner William J. Kresse  
Secretary